

From: [John McCoy](#)
To: ["David Vansoest"](#); [Kelly Cook](#); [Kathleen Decker](#); [Susan Jablonski](#); ["don.holmstrom@csb.gov"](#); ["daniel.horowitz@csb.gov"](#); ["chris.lyon@csb.gov"](#); ["johnnie.banks@csb.gov"](#); [Quinones, Edwin](#); [Hayes, Mark](#); ["lewis.jeffrey@dol.gov"](#); ["Le, Madeleine - SOL"](#); [rector.jack@dol.gov](#); [Schoen, Michael - SOL](#); ["Hayes Fuller"](#); [Charles Keith](#); [Matt Wilber](#); ["Mark Grotefeld"](#); ["Zona Jones"](#); ["Jim Klick"](#); ["Patrick Gareis"](#); ["Waylon Pickett"](#); ["Anooj Thakrar"](#); ["Kevin Mosley"](#); ["ktaunton@ttsslawfirm.com"](#); ["fredwilson@up.com"](#)
Cc: [Laurence Leavitt](#); [Brook Laskey](#); [Eugene LaFlamme](#); [Matt Rosek](#); [Lori Brown](#)
Subject: RE: AN removal draft protocol
Date: Wednesday, May 29, 2013 5:31:56 PM

David,

Thanks for the e-mail.

As to your position on ITEM 4: Understood. TCEQ does not need to share in the cost of testing. This is for "interested parties" that have need for the test results. That need and who will share will be discussed and decided at the steering committee meeting on June 4th.

As to your position on ITEM 9: We will not request TCEQ to provide instructions on this remediation. We have hired a party that is properly licensed to perform removal and remediation in accordance with all state and federal laws. We fully intend that this activity will be done in accordance with applicable laws.

The removal and remediation process will adjust to the conditions on the ground as they develop. If any material is hardened or compacted or is found to be in a condition not anticipated our contractor will be instructed to take the necessary steps to properly remove and remediate as the situation dictates.

Transportation of the AN and any other product removed will be done in accordance with applicable state and federal laws.

We are fully cognizant of the need to keep safety at the forefront of all these activities.

I hope this addresses your concerns. We appreciate your insight.

Sincerely,

John

John V. McCoy
McCoy Leavitt Laskey LLC
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9452325

From: David Vansoest [mailto:david.vansoest@tceq.texas.gov]
Sent: Wednesday, May 29, 2013 4:54 PM
To: John McCoy; Kelly Cook; Kathleen Decker; Susan Jablonski; 'don.holmstrom@csb.gov'; 'daniel.horowitz@csb.gov'; 'chris.lyon@csb.gov'; 'johnnie.banks@csb.gov'; 'quinones.edwin@epa.gov'; 'hayes.mark@epa.gov'; 'lewis.jeffrey@dol.gov'; 'Le, Madeleine - SOL'; 'rector.jack@dol.gov'; Schoen, Michael - SOL; 'Hayes Fuller'; Charles Keith; Matt Wilber; 'Mark Grotefeld'; 'Zona Jones'; 'Jim Klick'; 'Patrick Gareis'; 'Waylon Pickett'; 'Anooj Thakrar'; 'Kevin Mosley'; 'ktaunton@ttsslawfirm.com'; 'fredwilson@up.com'
Cc: Laurence Leavitt; Brook Laskey; Eugene LaFlamme; Matt Rosek; Lori Brown
Subject: RE: AN removal draft protocol

Mr. McCoy,

Please find below a list of items to be considered in the final plan. Once a final version is complete we would like a copy prior to the commencement of any activities.

Item 4 states: "Three samples of the material will be collected... It is our suggestion that any analysis of the material be done by a *mutually agreed upon independent lab and the cost be shared by the interested parties.*"

The TCEQ does not agree this should be a shared cost and does not need to be involved in the decision regarding the contracting of a third party independent lab.

Item 9: The disposal of the rinsing process water. The TCEQ will not provide disposal instructions for this activity but requires that all rinse water is properly disposed of as determined by its waste categorization and in accordance with state and federal law.

Additionally, we suggest that consideration or additional planning be considered in the event there is material that is hardened or has become compacted and is not readily shoveled or able to be vacuumed into approved containers.

Also, we ask that all state and federal rules and regulations be followed regarding the transportation of the Ammonia Nitrate and that any health and safety plan be followed and is in compliance with all applicable rules and regulations.

Please feel free to contact me if you have any questions or concerns.

David Van Soest
Director Regions 9 and 11
TCEQ
(512) 239-0468
(512) 633-6593

From: John McCoy [mailto:jmccoy@mlllaw.com]

Sent: Saturday, May 25, 2013 1:20 PM

To: David Vansoest; Kelly Cook; Kathleen Decker; Susan Jablonski; 'don.holmstrom@csb.gov'; 'daniel.horowitz@csb.gov'; 'chris.lyon@csb.gov'; 'johnnie.banks@csb.gov'; 'quinones.edwin@epa.gov'; 'hayes.mark@epa.gov'; 'lewis.jeffrey@dol.gov'; 'Le, Madeleine - SOL'; 'rector.jack@dol.gov'; Schoen, Michael - SOL; 'Hayes Fuller'; Charles Keith; Matt Wilber; 'Mark Grotefeld'; 'Zona Jones'; 'Jim Klick'; 'Patrick Gareis'; 'Waylon Pickett'; 'Anooj Thakrar'; 'Kevin Mosley'; 'ktaunton@ttsslawfirm.com'; 'fredwilson@up.com'

Cc: Laurence Leavitt; Brook Laskey; Eugene LaFlamme; Matt Rosek; Lori Brown

Subject: FW: AN removal draft protocol

All,

Attached is the drat protocol for AN removal at the site.

I understand state and federal agencies want the removal to occur as soon as possible and before the inspection of June 3-4.

This protocol was put together in consultation with the AN manufacturer. A representative of the AN manufacturer was brought on site on Wednesday of last week to observe the rail car and its contents.

I would like to get approval for TCEQ on this plan or advise of changes.

I understand that the railroad, UP, is interested in removing the railcar once the AN is removed. They are on this e-mail and we ask they coordinate with Crane Engineering for this removal. It will require a protocol that is acceptable to the people on this e-mail.

When we have an approved plan to remove the AN and railcar we will pick a date to implement the plan. We plan to video that removal and share with all "interested parties".

We do not intend to have all "interested parties" attend the removal of the AN or the railcar.

John

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From: Charles Keith [<mailto:chuckk@craneengineering.com>]

Sent: Thursday, May 23, 2013 8:55 PM

To: John McCoy

Cc: Matt Wilber

Subject: AN removal draft protocol

John

Here is a draft protocol for your review.

Please call to discuss

C

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